

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: PASUPULETI et al.
Title: OLIGONUCLEOTIDES AND METHODS FOR DETECTING
HEPATITIS B VIRAL NUCLEIC ACIDS
Appl. No.: 10/690,282
Filing Date: 10/20/2003
Patent No.: 7,262,292
Issue Date: August 28, 2007
Examiner: Hill, Myron G.
Art Unit: 1648
Confirmation Number: 4566

REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentees respectfully request that the patent term adjustment indicated in the patent be reconsidered. The request is timely filed within two months of the issue date of the patent.

§1.705(b)(1). Fee

The request is accompanied by the fee of \$200, as set forth in § 1.18 (e).

§1.705(b)(2). Statement of the Facts Involved

The correct Patent Term Adjustment is 660 days.

The basis for the 660 day adjustment is 37 CFR §1.702(a)(1).

The dates relevant for the 660 day adjustment are the application filing date of October 20, 2003 and the mailing date of the first office action of October 11, 2006.

The patent is not subjected to a terminal disclaimer.

There are no circumstances during prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of the application.

In the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed March 29, 2007 (mailed with the notice of allowance), the patent term adjustment was correctly determined to be 660 days. However, the Issue Notification mailed August 8, 2007 indicates that the patent term adjustment is 555 days.

According to public PAIR, 105 days were deducted from the patent term adjustment due to the alleged filing of an IDS on May 16, 2007. The Patentee did not file an IDS after allowance but rather provided the Examiner with a copy of PTO-1449 form that was earlier filed in the case (filed January 8, 2004). This PTO-1449 form was resubmitted to the Examiner because the Examiner failed to initial four of the listed references. An Amendment under Rule 1.312 was filed on May 16, 2007 to request a correction of the error by the Examiner. Thus, any delay was not the result of the Patentee filing a new IDS but rather resulted from the an error of the USPTO.

Accordingly, Patentees respectfully request reconsideration of the patent term adjustment.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

09/05/2007

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